

REMARKS

Claims 25 to 32, 39 to 41, 43 to 50, 52 to 56, 60, and 62 are pending in this application.¹ Of these, claims 25, 39, 48, 60, and 62 are independent. Favorable reconsideration and further examination are respectfully requested.

Initially, claims 27 and 43 were objected to for the informalities noted on page 2 of the Office Action. As shown above, Applicants have corrected those informalities, and withdrawal of the objection is respectfully requested.

Turning to the art rejections, claims 25 to 32, 39 to 41, 43 to 50, 52 to 56, 60 and 62 were rejected over U.S. Patent No. 5,823,879 (Goldberg) in view of U.S. Publication No. 2003/0229893 (Sgaragliano). As shown above, Applicants have amended the independent claims to define the invention with greater particularity. In view of these amendments, withdrawal of the art rejections is respectfully requested.

The independent claims have been amended to recite that the interactive activity (or the information related thereto) is separate from the information relating to the advertisement. For example, the specification explains that "[w]hen the user interacts with one of the objects 28 within media 26, the web browser captures any information in the input area 24 and communicates the information to environment 8".² Thus, as shown in Fig. 2 of the application, the advertisement 22 is separate from the media 26 (an exemplary interactive activity).

Thus, according to independent claim 25, a server is communicatively coupled to a client device and configured to communicate content to the client device for display to a user, wherein

¹ The Examiner is urged to independently confirm this recitation of the pending claims.

² Page 5, lines 12 to 15 of the application

the content includes information relating to an interactive activity and information relating to an advertisement, and the interactive activity is separate from the advertisement. One or more software modules executing in an operating environment provided by the server are configured (a) to receive input from the client device in response to the user's interaction with the interactive activity, said input including, in a single transmission, information relating to the user's participation in the interactive activity and a request from the user to receive additional information relating to the advertisement, and (b) after receiving said input, to provide to the user additional information relating to the advertisement and to communicate content to the client relating to the interactive activity.

The applied art is not understood to disclose or to suggest the foregoing features of claim 25. In this regard, page 3 of the Office Action admits that Goldberg does not disclose the one or more software modules to perform the functions recited above. Sgaraglino was cited to make up for this deficiency of Goldberg. Sgaraglino describes a system that obtains a user information, such as an e-mail address, beforehand and, when a user clicks on an advertisement displayed in a user interface, such as a Web page, the system forward the user's information to a central location. Sgaraglino also describes that an advertisement may include a video message or the like containing "hot spots". In this context, a hot spot is a selectable area of the message that results in follow-up material being supplied to the user.

Thus, Sgaraglino does describe supplying user information beforehand, and sending that user information in response to clicking on advertising. Sgaraglino also describes clicking on various parts of advertising to obtain additional material. What is crucial, however, is that

Sgaraglino describes only clicking on (or otherwise interacting with) advertising to output the user information or to obtain additional material. That is, Sgaraglino is like the prior art in that it requires a user to interact with the advertising in order to output user information.

By contrast, in the invention of claim 25, the system receives input from the client device in response to the user's interaction with the interactive activity, where the input includes, in a single transmission, information relating to the user's participation in the interactive activity and a request from the user to receive additional information relating to the advertisement. As amended, claim 25 makes clear that the interactive activity is separate from the advertisement. Such is not the case in Sgaraglino, where information is sent/obtained in response to clicking on advertising information, not separate information relating to an interactive activity (e.g., a game or the like).

For at least the foregoing reasons, claim 25 is believed to be patentable.

Amended independent claim 39 defines a method comprising displaying a user interface on a display permitting a user to participate in an interactive activity, during the display of the user interface, displaying advertising information on the same display without interfering with the user's ability to participate in the interactive activity, where the interactive activity is separate from the advertising information; and during the display of the user interface, receiving from the user a first signal indicating an interest in receiving additional information related to the advertising information. The method also comprises causing the additional information related to the advertising information to be provided to the user in response to the first signal, without interfering with the user's ability to participate in the interactive activity. Causing the additional

information to be provided to the user comprises transmitting a second signal indicating the user's interest in receiving the additional information. The second signal is transmitted in response to the user's interaction with the interactive activity.

As explained above with respect to claim 25, Sgaraglino describes providing information and receiving information in response to interaction with displayed advertising (see, e.g., paragraphs 0033 and 0037. This is entirely different from the invention of claim 39, in which a second signal is transmitted in response to the user's interaction with the interactive activity, which causes additional information to be provided to the user. Accordingly, even if Sgaraglino were combined with Goldberg in the manner suggested in the Office Action, the resulting hypothetical combination would still fail to disclose or to suggest the features of claim 39. For at least this reason, claim 39 is believed to be patentable.

Amended independent claims 48 and 62 contain features similar to claim 39, and are also believed to be patentable for the reasons noted above.

Amended independent claim 60 includes displaying information about an interactive activity to a user on a display associated with a client computer, receiving at the client computer a request for advertising information and information related to the user's participation in the interactive activity, where the interactive activity is separate from the advertising information, and simultaneously transmitting to a server the user's request for advertising information and the information related to the user's participation in the interactive activity. Transmitting is performed in response to the user's interaction with the interactive activity.

As explained above, Sgaraglino fails to disclose or to suggest simultaneously transmitting to a server the user's request for advertising information and the information related to the user's participation in the interactive activity, where transmitting is performed in response to the user's interaction with the interactive activity. That is, as explained above, in Sgaraglino, transmission is performed in response to a user's interaction with advertising, not a separate interactive activity. Accordingly, even if Sgaraglino were combined with Goldberg in the manner suggested in the Office Action, the resulting hypothetical combination would still fail to disclose or to suggest the features of claim 60. For at least this reason, claim 60 is believed to be patentable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Please apply any fees or credits due in this case, which are not already covered by check, to Deposit Account 06-1050 referencing Attorney Docket No. 10984-287001.

Respectfully submitted,

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